

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

*In re* Flint Water Cases.

Judith E. Levy  
United States District Judge

\_\_\_\_\_/

This Order Relates To:

ALL CASES

\_\_\_\_\_/

**ORDER REGARDING MATTERS DISCUSSED AT THE  
NOVEMBER 6, 2019 STATUS CONFERENCE, DENYING  
SHEKTER SMITH'S MOTION TO ENFORCE [965], AND  
DENYING VNA DEFENDANTS' MOTION TO STRIKE WITHOUT  
PREJUDICE [914]**

The Court held a status conference regarding its pending Flint water litigation on November 6, 2019. The Court now orders as follows:

**I. *In re* Flint Water Cases Discovery**

The Court will issue a Second Amended Case Management Order (“CMO”), which includes a deposition scheduling protocol. For the reasons set forth on the record, the Court will allow the State of Michigan and MDEQ more time for depositions than was originally allotted in the deposition scheduling protocol. The time allocations will be specified more fully in the Second Amended CMO.

## **II. Motion to Strike Class Allegations**

For the reasons set forth on the record, VNA Defendants' motion to strike class allegations is denied without prejudice. (ECF No. 914.)

## **III. Motion for Protective Order**

The Court granted in part and denied in part the motion for a protective order filed by three City of Flint Defendants, Gerald Ambrose, Darnell Earley, and Howard Croft. (ECF No. 957.) A separate opinion will follow this order.

## **IV. Motion Regarding the Application of Short Form Complaints to Shekter Smith**

The Court denied Defendant Shekter Smith's motion regarding the application of short form complaints to her in the cases *Marble v. Snyder*, 17-cv-12942 and *Brown v. Snyder*, 18-cv-10726. (ECF No. 965.) To the extent this ruling changes any responses or defenses in her motion to dismiss, Shekter Smith is granted leave to file an addendum by November 15, 2019. Plaintiffs will have until November 27, 2019 to respond.

## **V. Bellwether Selection**

The Court appointed a committee of lawyers to develop a proposal for the second bellwether pool selection process. Before the next status

conference, this committee will also provide a recommendation of how to select the next group of bellwether claimants.

## **VI. Scheduling of Next Status Conference**

The next status conference will be held on **Tuesday, December 10, 2019** at 2:00pm in Ann Arbor, Michigan. Parties are to file proposed agenda items in Case No. 16-cv-10444 by **November 26, 2019**. Individual liaison counsel should collect proposed agenda items from all counsel representing individual plaintiffs and submit those proposed items as a single filing. The Court will issue an agenda by **December 3, 2019**.

IT IS SO ORDERED.

Dated: November 7, 2019  
Ann Arbor, Michigan

s/Judith E. Levy  
JUDITH E. LEVY  
United States District Judge

## **CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on November 7, 2019.

s/William Barkholz  
WILLIAM BARKHOLZ  
Case Manager